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Attorneys for Defendants  
CITY OF FREMONT, FREMONT TENNIS CENTER,  
JEFF GONCE, JOE GRECH, ANNABELLE HOLLAND  
and KELLY KING

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WALTER JEFFERSON,

Plaintiff,

v.

THE CITY OF FREMONT, FREMONT  
TENNIS CENTER, JEFF GONCE, JOE  
GRECH, ANNABELLE HOLLAND, KELLY  
KING and Does 1 through 10, inclusive,

Defendants.

Case No. 3:12-cv-00926 EMC

**STIPULATION OF COUNSEL AND  
[PROPOSED] ORDER TO EXTEND DEADLINE  
TO COMPLETE EARLY NEUTRAL  
EVALUATION AND FILE SECOND AMENDED  
COMPLAINT**

ORDER RESETTING CMC FROM 12/14/12 TO  
2/28/13 AT 9:00 A.M.

**Hon. Edward M. Chen**

1 Defendants City of Fremont, a municipal public entity on behalf of itself and the Fremont Tennis  
2 Center, Jeff Gonce, Joe Grech, Annabelle Holland, and Kelly King, and Plaintiff Walter Jefferson hereby  
3 submit the following Stipulation and Proposed Order extending time to complete Early Neutral  
4 Evaluation and file a second amended complaint.

5 WHEREAS on October 12, 2012, the parties appeared for hearing on Defendants' Motion to  
6 Dismiss Plaintiff's First Amended Complaint and for case management. The Court denied defendants'  
7 motion to dismiss as moot because plaintiff's counsel told the Court that plaintiff will file a second  
8 amended complaint to address the issues raised in the motion to dismiss. During the case management  
9 conference, Judge Chen agreed with defense counsel that the parties would benefit and it may be a more  
10 efficient use of the Court's time for the parties to conduct early neutral evaluation. It was also suggested  
11 by defense counsel that before ENE took place, plaintiff should provide a list of witnesses and an offer of  
12 proof.

13 WHEREAS the Court then referred the parties to Early Neutral Evaluation to be completed on or  
14 before December 11, 2012;

15 WHEREAS the Court also gave plaintiff ninety (90) days to file an amended complaint, with the  
16 assumption that ENE would be completed before that date. The Court also indicated it would consider a  
17 request to extend time to complete the above schedule given the holiday schedules, travel plans, and  
18 litigation schedules of the parties.

19 WHEREAS on Monday, November 19, 2012, plaintiff provided defendants with an Informal  
20 (Partial) List of Potential Witnesses;

21 WHEREAS the defendants need more time to review and meet and confer with plaintiff's counsel  
22 on the offer of proof and to facilitate additional limited necessary discovery so that the ENE will be  
23 worthwhile and productive for all parties;

24 WHEREAS all parties to this action have agreed to extend the time to complete ENE and have  
25 agreed to conduct the ENE on February 13, 2013, and the ENE Evaluator has indicated she is available to  
26 conduct the ENE on that date. The parties have further agreed to extend the time for plaintiff to file a  
27 second amended complaint on or before a date that is within thirty (30) days of completion of ENE.  
28

1 IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

2 1. The time to complete Early Neutral Evaluation shall be extended to February 13, 2013;

3 2. Plaintiff's second amended complaint shall be filed within thirty (30) days of completion  
4 of the ENE.

5 SO STIPULATED.

6  
7 Dated: November 20, 2012

BERTRAND, FOX & ELLIOT

8  
9 By: /s/ Ilana Kohn

10 Gregory M. Fox

11 Ilana Kohn

Attorneys for Defendants

12 CITY OF FREMONT, FREMONT TENNIS

CENTER, JEFF GONCE, JOE GRECH,

13 ANNABELLE HOLLAND and KELLY KING

14  
15 Dated: November 20, 2012

LOGAN LAW GROUP

16  
17 By: /s/ Angela L. Morgan

18 Angela L. Morgan

19 Attorney for Plaintiff

20 WALTER JEFFERSON

**ATTORNEY ATTESTATION**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this E-filed document.

Dated: November 20, 2012

/s/  
Ilana Kohn

**ORDER**

Pursuant to the above Stipulation of the parties by and through their respective counsel of record, it is hereby ORDERED as follows:

1. The time to complete Early Neutral Evaluation shall be extended to February 13, 2013;
2. Plaintiff’s amended complaint shall be filed within thirty (30) days of completion of the ENE.
3. The CMC is reset from 12/14/12 to 2/28/13 at 9:00 a.m. A Joint CMC Statement shall be filed by 2/21/13.

**IT IS SO ORDERED.**

Dated: November <sup>26</sup>\_\_\_\_, 2012

